

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TY D. WESTBROOK,

Petitioner,

vs.

DAVID L. RUNNELS, Warden,

Respondent.

No. C 06-3547 JSW (PR)

**ORDER OF TRANSFER**

Petitioner is a state prisoner currently incarcerated at High Desert State Prison, located in Susanville, California, within the venue of the United States District Court for the Eastern District of California. On June 2, 2006, he filed a petition for a writ of habeas corpus regarding the use of evidence of a shooting with which he was never criminally charged at his parole hearing before the Board of Prison Terms.

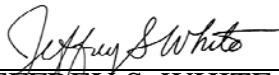
A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* However, if the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

In this case, the petition is directed to the execution of sentence. Therefore, the

1 Court will transfer this action to the United States District Court for the Eastern District  
2 of California. Accordingly, IT IS ORDERED in the interest of justice, and pursuant to  
3 28 U.S.C. § 1406(a), that this action be TRANSFERRED to the United States District  
4 Court for the Eastern District of California. The Clerk of the Court shall transfer this  
5 matter forthwith.

6 IT IS SO ORDERED.

7 DATED: June 14, 2006

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10 JEFFREY S. WHITE  
11 United States District Judge  
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